IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL MISC. PETITION NO. 1768/2006
MRINAL SHARMA Vs. STATE OF RAJASTHAN

DATE: 09.04.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Rakesh Kumar for the accused-petitioner.
Mr. B.S. Chhaba, Public Prosecutor for the State.

****

The present criminal misc. petition under Section 482 Cr.P.C. is preferred by the accused-petitioner against the order dated 04.10.2004 passed by the Special Judge, Women Atrocities & Dowry Cases, Jaipur City, Jaipur in Sessions Case No. 77/2004, whereby the trial Court has framed charges against the accused-petitioner for the offences under Sections 498-A, 304-B and 406 IPC.

Brief facts of the case are that deceased Smt. Prerna got married with present petitioner Mrinal Sharma on 11.12.2003 at Jaipur and after marriage the accused-petitioner was living at Ajmer with his wife. On 03.06.2004 complainant Smt. Rama Tiwari, the mother of the deceased Smt. Prerna lodged a written report with the police station Mahila Thana (North), Jaipur regarding the incident against the accused-petitioner

and other co-accused persons, whereupon FIR No. 60/2004 was registered for the offences under Sections 498-A and 304-B IPC. After investigation the police filed challan against the accused-petitioner and another co-accused Smt. Sudha Sharma, mother of the petitioner for the offences under Sections 498-A, 304-B and 406 IPC before the trial Court and the trial Court framed the charges against the petitioner for the aforesaid offences.

It is submitted by the learned counsel for the accused-petitioner that as is evident from the record that there is no prima-facie evidence to presume that the accused-petitioner has committed any offence and the deceased wife committed suicide at her own parental house at Jaipur while the accused-petitioner was living at Ajmer, therefore, there it was not possible for the accused-petitioner to abet the deceased wife and thus, charge framed against the accused-petitioner for the offences under Sections 498-A, 304-B and 406 IPC vide order dated 04.10.2004 is per se illegal.

I have heard learned counsel for the accused-petitioner, learned Public Prosecutor for the State and have also gone through the impugned order dated 04.10.2004 passed by the trial Court.

In the FIR itself there are clear allegations levelled against the petitioner-husband and in the evidence under Section 161 Cr.P.C. there is material available against the accused-petitioner and in the letter and diary written by the deceased-wife clear allegations are levelled against the petitioner-husband by the deceased-wife. Thus, prima-facie case is made out against the accused-petitioner for the offences under Sections 498-A, 304-B and 406 IPC and this is not a stage to appreciate the evidence and the trial Court is required to satisfy whether prima-facie case is made out against the accused or not, and upon careful perusal of the material available on record, prima-facie case is made out against the accused-petitioner.

In view of these facts and circumstances of the case, I do not want to interfere in the impugned order dated 04.10.2004 passed by the Special Judge, Women Atrocities & Dowry Cases, Jaipur City, Jaipur, by which charges have been framed against the accused-petitioner for the offences under Sections 498-A, 304-B and 406 IPC.

Consequently, the misc. petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

/KKC/